

REMARKS

Claims "15A" and 16-18 were previously canceled. Claims 1 and 6 are presently amended. Claims 1-15 and 19-31 remain in the application.

The amendments to claims 1 and 6 are supported in the specification by FIG. 7 and by the corresponding description at page 16, line 21 through page 17, line 16. These amendments therefore do not introduce new matter.

Claims 1-15 are rejected for anticipation by US Patent No. 6493847 ("Sorgi"). The rejection is respectfully traversed for the following reasons.

Rejection of a claim for anticipation by a reference requires that the reference describe all elements or steps of the rejected claim. Claim 1 is drawn to a method for varying the frame synchronization structure of an information stream. The acts of the claimed method include:

- "providing selection bits;
- receiving a first stream of information;
- in response to the selection bits, selecting a first arrangement of synchronization bits in the first stream of information; and
- in response to selecting the first arrangement of synchronization bits, synchronizing the first stream of information into a first frame structure."

Selection bits that determine the selection of the first arrangement of synchronization bits are not described in Sorgi. What controls the operations of the multiplexing process shown by Sorgi in FIGS. 2A, 2B, and 3A is not disclosed. Sorgi therefore omits "providing selection bits" and selecting any arrangement of synchronization bits "in response to the selection bits". If the contention is that "selection bits" are inherent in Sorgi, the applicants respectfully respect the introduction of intrinsic evidence that such bits are necessarily present in Sorgi's method and apparatus for calculating Sonet B2 parity bytes. Otherwise, the applicants respectfully request withdrawal of this rejection.

Claim 6, which is drawn to the method for varying the frame synchronization structure of an information stream of claims 1-5, further includes "providing content bits, in which the selection of the first arrangement of

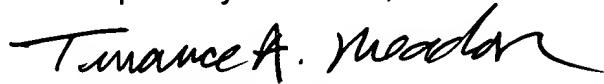
synchronization bits includes, in response to the content bits, selecting the content of the bits in the selected bit positions in the header section."

In addition to "selection bits", Sorgi is devoid of any illustration or description of "content bits" that determine the contents of the first arrangement of synchronization bits in the operations of the multiplexing process shown by Sorgi in FIGS. 2A, 2B, and 3A. Sorgi therefore omits "providing content bits" and selecting any "content" of synchronization bits "in response to the content bits". If the contention is that both "selection bits" and "content bits" are inherent in Sorgi, the applicants respectfully request the introduction of intrinsic evidence that such bits are necessarily present in Sorgi's method and apparatus for calculating Sonet B2 parity bytes. Otherwise, the applicants respectfully request withdrawal of this rejection.

Claims 19-31 are rejected for obviousness over Sorgi. Evidently the basis for this reference is the contention that Sorgi qualifies as a 102 (e) reference with respect to claims 1-15. Both Sorgi and this application are commonly owned by virtue of employment contracts between the inventors and the owner, and further by virtue of respective assignments to the owner. See the assignment of US Patent 6,493,847 recorded in the US Patent Office on 6/15/1999 at Reel/Frame 010039/0688, and the assignment of US Patent Application Serial No. 09/527,343, executed on or before 3/17/2000, and recorded in the US Patent Office on 8/7/2000 at Reel/Frame 011061/0095. Both the subject matter of the Sorgi patent and the invention of claims 19-31 were, at the time the invention was made, if not owned by the owner, subject to an obligation of assignment to the owner. Accordingly, Sorgi cannot be used to preclude patentability under 35 USC 103. See 35 USC 103 (c).

Accordingly, in view of the amendments and remarks made in this application, all claims are allowable over the references of record, early notice of which is earnestly solicited.

Respectfully submitted,

  
TERRANCE A. MEADOR  
Reg. No. 30, 298

Date: *March 29, 2007*  
INCAPLAW  
1050 Rosecrans Street, Suite K  
San Diego, California 92106

Phone: 619/222-2531  
Fax: 619/222-2327

Email: [tmeador@incaplaw.com](mailto:tmeador@incaplaw.com)